

**EX. C**



Paula Knudsen Burke <pknudsen@rcfp.org>

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## RE: York County Clerk of Courts fees issues

1 message

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**Byrnes, Daniel J.** <DJByrnes@yorkcountypa.gov>

Thu, Apr 22, 2021 at 2:06 PM

To: Paula Knudsen Burke <pknudsen@rcfp.org>, Melissa Melewsky <melissam@pa-news.org>

Cc: "Stephen R. McDonald" <smcdonald@cgalaw.com>

Good Afternoon:

I apologize for delayed response to your letter. I have attached a written response as requested which states that our black and white copy fee will now be \$.25 and I'm removing the \$17 CD-ROM fee also. I still have work to do in order to create a mechanism so that your client can view any public documents at no charge while protecting privileged information. Our current ERMS contains un-redacted documents which is why I can only offer the subscription with a confidentiality clause at this time. I will continue to evaluate the situation and make improvements to benefit all parties.

I trust that you will present this information to your client how you see appropriate. I am treating this relationship the same as any other legal representation where the service of all documentation goes only to the Attorney of Record.

Thank You,

Dan J. Byrnes

Clerk of Courts

717-849-5012



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**From:** Paula Knudsen Burke [mailto:[pknudsen@rcfp.org](mailto:pknudsen@rcfp.org)]  
**Sent:** Tuesday, April 20, 2021 10:30 AM  
**To:** Byrnes, Daniel J.  
**Cc:** Melissa Melewsky  
**Subject:** York County Clerk of Courts fees issues

**CAUTION:** External email!

Good morning, Dan -

Thanks for your call yesterday. I am looking forward to the confirming letter indicating that you will be making the York County Clerk of Courts copying fee 25 cents, in line with the AOPC policy.

As we discussed yesterday, in terms of inspection and access to records, there is a constitutional right of access for the public to review records, whether that means reviewing paper records at the counter, or reviewing records on a public computer terminal or by email. If the records are being provided in electronic format (i.e. email), there should not be any fee because the government has not incurred any costs for printing of paper (see [OOR fee schedule for reference](#), as I mentioned).

I'm travelling today but Melisssa from PNA can chime in with any additional information about inspection & access to files.

Thanks

Paula

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[4.2021 CoC Fees.pdf](#)  
490K

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April 22, 2021

Via Email Transmission  
Ms. Melissa Bevan Melewsky  
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Via Email Transmission  
Ms. Paula Knudsen Burke  
Local Legal Initiative Attorney  
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Mss. Melissa Bevan Melewsky and Paula Knudsen Burke:

I am writing in response to your letter dated March 31, 2021 regarding the York County Clerk of Courts fee schedule. One of the many policy updates I implemented is charging equally for documents no matter who is requesting them. Effective 3/1/2021 the fees to the press became the same as the fees paid by the public. This correction was part of our continued efforts to reduce our operating costs and become a self-sustaining office which requires no county (taxpayer) funds.

Your letter brought to my attention Section 6.0 of the UJS Public Access Policy. Specifically identified were two examples which are inconsistent with that policy contained in the published fee schedule which I inherited upon taking this office. In order to align with the UJS Policy we will reduce our fee for paper copies to \$.25 / page excluding color copies. Per the Office of Open Records fee schedule "If a requester seeks records requiring redaction and the agency is unable to securely redact the records by electronic means, an agency may copy or print the records to provide for secure redaction. Accordingly, the agency may charge the fees noted above for either B&W or color copies, as appropriate. We will also completely remove the section relating to CD-ROM and DVD.

It has been noted from AOPC in regards to bulk records requests that Section 5.00(A) of the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania provides that reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.

It has been commonly accepted that implementing the UJS policy should not unduly burden the courts and offices, nor should implementation impinge upon the judiciary's primary service – the delivery of justice. The Clerk of Courts Office of York County will continue to adapt and balance the right to public information and protecting the privacy and safety of the individuals whose information the courts and related offices possess.

Thank You,

Dan Byrnes  
Clerk of Courts